

In accordance with Federal Rule of Criminal Procedure 12(b), Defendants Vascular Solutions, Inc. and Howard C. Root move to dismiss the indictment. In the alternative, the defendants move to preclude the government from using the defendants' truthful speech to prove the misbranding and adulteration counts alleged in the indictment. This motion is based on the accompanying memorandum in support and attached exhibits.

Dated: August 13, 2015

By: s/ John C. Richter
John C. Richter
jrichter@kslaw.com
Oklahoma Bar No. 20596
Jeffrey S. Bucholtz
jbucholtz@kslaw.com
DC Bar No. 452385
Michael R. Pauzé
mpauze@kslaw.com
D.C. Bar. No. 453417
King & Spalding LLP
1700 Pennsylvania Ave. NW, Ste. 200
Washington, DC 20006
Telephone: (202) 737-0500
Facsimile: (202) 626-3737

Johnny K. Sutton
Bar No. 19534250
Ashcroft Sutton Reyes, LLC
919 Congress Ave., Ste. 1500
Austin, TX 78701
Telephone: (512) 370 1800
Facsimile: (512) 397-3290
jsutton@ashcroftlawfirm.com

Attorneys for Defendant Vascular Solutions, Inc.

By: s/ John W. Lundquist
John W. Lundquist
Minn. Bar No. 65286
Dulce J. Foster
Minn. Bar No. 285419
Kevin C. Riach
Minn. Bar No. 389277
Frederikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Telephone: (612) 492-7000
Facsimile: (612) 492-7077
jlundquist@fredlaw.com

Attorneys for Defendant Howard Root

I hereby certify that on August, 13, 2015, I electronically filed the foregoing motion via the CM/ECF system, which will effectuate service on all counsel of record who are properly registered for CM/ECF service.

s/ John C. Richter